

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MEI HUA CHEN,

Plaintiff,

-v-

INFINITI MOTOR FREIGHTS, INC., *et al.*,

Defendants.

USDS SDNY  
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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 7/28/09

No. 09 Civ. 0626 (RJS)  
ORDER

RICHARD J. SULLIVAN, District Judge:

On March 9, 2009, the Court signed a Case Management Plan and Scheduling Order (the “Case Management Plan”), which was submitted jointly on behalf of all parties to this action. Under the terms of the Case Management Plan, depositions were to be completed by May 15, 2009, and all discovery is to be completed no later than August 30, 2009.

The Court is now in receipt of a letter from Plaintiff, dated July 24, 2009, which represents to the Court that “[t]he deposition of the defendant, Dmytro Zyuzi, has not gone forward . . . [and] the deposition of plaintiff’s decedent’s husband, Po Kun Chan, must be scheduled,” and that, “[i]n light of the foregoing, the parties will be unable to complete discovery by August 30, 2009.” Plaintiff accordingly requests an extension of the dates set forth in the Case Management Plan.

Plaintiff’s request is denied. Under the Case Management Plan signed by this Court on March 9, 2009 — in which the parties themselves provided the dates for all relevant discovery deadlines — all depositions were to be completed by May 15, 2009. Plaintiff’s *nunc pro tunc* request for an extension to this deadline, made more than two months after the fact, is untimely, to say the least.


Notwithstanding this defect, the Court will allow the parties to conclude any discovery remaining in this action, including the conducting of depositions, by August 30, 2009. As set forth in the Case Management Plan signed by this Court on March 9, 2009, *all discovery*, including expert discovery, is to be concluded by that date. In regard to the deposition of Dmytro Zyuzi, the Court orders that the deposition take place at his place of residence, in Montreal, Canada. *Cf. Bank of New York v. Meridien BIAO Bank Tanzania Ltd.*, 171 F.R.D. 135, 155 (S.D.N.Y. 1997). The Court will grant no extensions to the discovery cut-off date of August 30, 2009.

As set forth in the Case Management Plan, and by my Individual Practices, Rule 2.A, if either party wishes to file a pre-trial motion, including but not limited to a motion for summary judgment, the party shall submit a pre-motion letter, which must be *received* no later than September 3, 2009. Responses must be *received* by September 8, 2009. All letters are to be sent to the chambers' email address at [sullivannysdchambers@nysd.uscourts.gov](mailto:sullivannysdchambers@nysd.uscourts.gov).

The conference previously scheduled for July 30, 2009 at 11:00 a.m. is canceled. The parties are reminded that there is a post-discovery status conference scheduled for September 18, 2009 at 9:30 a.m. in Courtroom 21C, United States District Court, 500 Pearl Street, New York, New York.

SO ORDERED.

Dated: July 28, 2009  
New York, New York



RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE